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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------|------------------------|
| 10/729,253   | 12/05/2003  | Angela Michelle Hall | 1322/123/2               | 1192                   |
| 25297 7590 05/24/2007<br>JENKINS, WILSON, TAYLOR & HUNT, P. A.<br>SUITE 1200, UNIVERSITY TOWER<br>3100 TOWER BOULEVARD<br>DURHAM, NC 27707 |             |                      | EXAMINER<br>KISS, ERIC B |                        |
|  |             |                      | ART UNIT<br>2192         | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>05/24/2007  | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                          |                                      |  |  |
|--------------------------|--------------------------------------|--|--|
| <b>Interview Summary</b> | <b>Application No.</b><br>10/729,253 | <b>Applicant(s)</b><br>HALL, ANGELA MICHELLE |  |
|                          | <b>Examiner</b><br>Eric B. Kiss      | <b>Art Unit</b><br>2192                      |  |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Eric B. Kiss. (3) Wesley Sheffield (Reg. No. 56,748).  
 (2) Gregory A. Hunt (Reg. No. 41,085). (4) \_\_\_\_\_.

Date of Interview: 18 May 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 13.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Parties discussed two issues: (1) The role that SAS played in the development/implementation of the claimed invention; and (2) the practical application requirement (useful, concrete, tangible result) of 35 U.S.C. 101. Regarding Issue 1, Mr. Hunt stated that he was personally involved in the drafting of the application and he believed that SAS had no role in developing the claimed invention. The examiner indicated that applicant's Figure 3 suggests that some SAS software may have been used to generate custom reports. Mr. Hunt acknowledged that it is possible that some SAS software was used in the implementation of some parts of the invention, but he was not aware of any specific SAS software used. Mr. Hunt agreed to look into this matter further by attempting to contact the Inventor for clarification. The examiner reminded Mr. Hunt that no formal requirement for information (under 37 CFR 1.105) had been made at this time, but any additional information that Mr. Hunt could provide would be helpful. Regarding Issue 2, Mr. Hunt argued that similar to the State Street Bank case, the claimed invention's generated software (directed to a specific purpose, implementing user-specific data mapping and customized reporting) would appear to be a tangible result satisfying the practical application requirement of section 101. The examiner tentatively agreed with Mr. Hunt's position, but suggested that such an argument should be reproduced in applicant's formal response for full consideration.



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fax Cover Sheet

Date: 03 May 2007

|  |                                |
|--|--------------------------------|
| To: Wesley Sheffield (Reg. No. 56,748)     | From: Eric B. Kiss             |
| Application/Control Number: 10/729,253     | Art Unit: 2192                 |
| Fax No.: 919-419-0383                      | Phone No.: (571) 272-3699      |
| Voice No.: 919-493-8000                    | Return Fax No.: (571) 273-8300 |
| Re: your Interview Request sent 04/27/2007 | CC:                            |

☐ Urgent ☒ For Review ☐ For Comment ☐ For Reply ☐ Per Your Request

Comments:

Please see the attached proposed modification to the Interview agenda based on your faxed Interview Request.

Number of pages 8 including this page

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ATTACHMENT TO INTERVIEW SUMMARY

Art Unit: 2192

Mr. Sheffield,

On April 27, 2007, I received your fax requesting an Applicant Initiated Interview for Application serial no. 10/729,253 (docket number 1322/123/2). An Interview has not yet been granted or scheduled based on your request. Below is a proposed modification to the issues to be discussed.

Issues to be discussed:

(1) Third-party activity.

The examiner seeks clarification as to what role, if any, SAS Institute, Inc., had in developing the claimed invention. See "Smaller Businesses Try Analytics" and "SAS Customer Success: Tekelec", cited in the Non-final Rejection (PTO-892 items U and W) mailed April 4, 2007.

(2) The rejection of claims 1-28 under 35 U.S.C. § 101.

"Applicants propose to discuss the practical utility of the claimed invention in response to the rejection under 35 U.S.C. § 101."

If this modified agenda is agreeable to you, please call me at (571) 272-3699 to schedule the interview.

Thanks,



Eric B. Kiss  
May 3, 2007

Attachments:

Charles Babcock, "Smaller Businesses Try Analytics," May 9, 2005 [online], accessed 03/20/2007, Retrieved from Internet <URL: <http://www.databasepipeline.com/shared/article/printablePipelineArticle.jhtml?articleId=162800239>>, 3 pages.

"SAS Customer Success: Tekelec," [online], accessed 03/20/2007, Retrieved from Internet <URL: <http://www.sas.com/success/tekelec.html>>, 3 pages.

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May 09, 2005

### Smaller Businesses Try Analytics

By Charles Babcock

Courtesy of [InformationWeek](#)

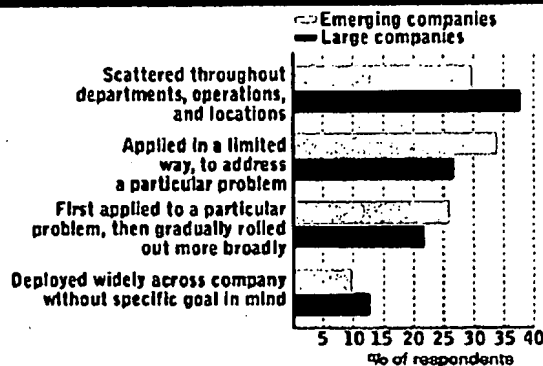
Until recently, business intelligence was almost the exclusive domain of large companies with skilled data analyzers and large data warehouses. It's now an equal or even more valuable tool for small and midsize companies that are growing fast and experiencing the accompanying headaches.

Tekelec knows that scenario all too well. The supplier of next-generation telecommunications switches and networking applications garnered revenue of \$397 million last year, up 51% over the year before, thanks to its move into voice-over-IP products and network-performance-monitoring applications. At the same time, however, this growth complicated the task of meeting the requirements of the Quality Excellence for Suppliers of Telecommunications consortium, which includes some of Tekelec's largest customers, such as BellSouth, Bell Atlantic, and SBC Communications. By laying out quality measures on hardware and software, known as the TL 9000 handbook, these service providers know they can prevent equipment incompatibilities and outages down the road.

The TL 9000 reports were a major monthly task for Tekelec's quality-assessment employees, who frequently requested information from Angela Hall, senior quality engineer and sole supplier of business-intelligence services at Tekelec. Hall administers the SAS Institute Enterprise Business Intelligence Server, which Tekelec bought in December. Business intelligence is derived from data on hardware field problems and customers' hardware returns, trouble tickets, and scorecard reporting on how Tekelec is doing. All this information is used in TL 9000 reports.

#### Deployment Strategy

Which of the following best describes the way your company deploys business-intelligence tools?



Base: 176 emerging companies with less than \$1 billion annual revenue and 115 large companies with \$1 billion or more in annual revenue

Data: InformationWeek Research Business Intelligence Survey of 300 business-technology professionals, spring 2005

INFORMATION WEEK RESEARCH

Hall was kept busy supplying the report drafters with the information they needed—perhaps a little too busy. She was spending eight hours a month on the task, with longer-range work frequently disrupted by requests to summarize the latest set of customer trouble tickets. "I've got other things to do," she says. Since March, Hall has been installing SAS Add-in for Microsoft Office, which lets quality-assessment employees query the SAS Business Intelligence Server and get the information they need through their Office applications.

Twelve users have been equipped with the add-in so far, with another eight planned. Once the quality investigators have the information they need, they load it into an SAS report-writing system. The result: TL 9000 reports take half a day to produce, instead of a week. By mastering the SAS analytical tools and then pushing their use out to the people who most needed them, Hall says she ensured Tekelec's compliance and gained back a day per month to do her own job.

Like Tekelec, many small and midsize businesses are turning to business-intelligence tools as their companies grow and they need more sophisticated tools to get a better handle on their data. Bonita Bay Properties Inc. develops planned communities in southwest Florida around golf courses and fitness facilities. It buys 2,000-acre sites, develops the master plans, wins

municipal and regional government approvals, and builds out the core recreational facilities. Housing developers follow on the heels of the firm to build the homes in these communities. As a result, Bonita Bay is involved in running golf courses, clubhouses, bars, restaurants, and fitness centers, as well as steering large plots of land through various municipal reviews.

The challenge for the company's executives was to track and understand not massive volumes of data but many kinds of data flowing out of a wide variety of applications used in its business, says Randy Eberline, director of support services.

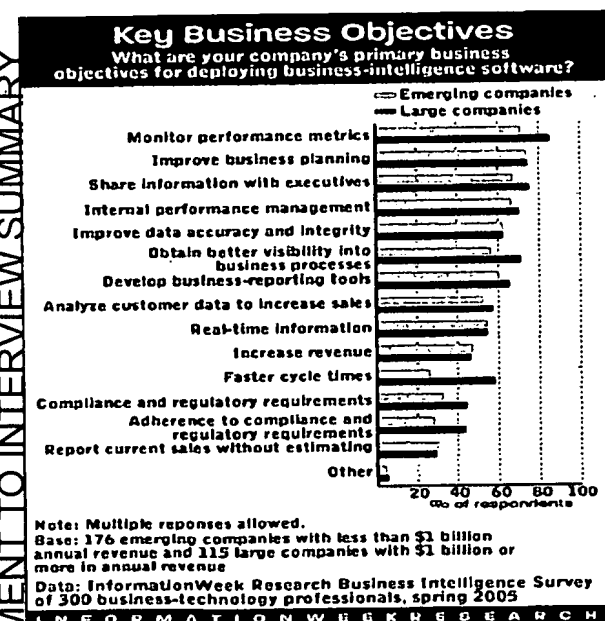
Bonita Bay executives wanted business-intelligence tools to help with the task, but they opted to sidestep the lengthy and expensive development of a data warehouse. Instead, the company went with analytics tools from QlikTech International AB to draw out data from many sources and provide analysis. "We wanted flexibility as users," Eberline says. "We wanted to be able to react to data more quickly."

QlikTech's QlikView system doubles as an integration service, pulling data out of the group's Microsoft SQL Server, Pervasive, ProvideX, and Sybase databases. "All the databases have different structures," Eberline says. "Thus far, we've not run into anything we can't retrieve." Bonita Bay's senior operational managers have dashboards that give them summaries from their point-of-sale systems and general-ledger accounts. The information tells them how their businesses are faring on a daily basis, whether staffing levels are correct compared to where the business is making its profits.

Business executives at company headquarters also have dashboards to display key performance indicators and other visual summaries of the business. But they can also drill down into the data to view, for example, how one fitness center is faring versus another or whether activity has picked up on a golf course that's been experiencing a slowdown.

Eberline says the QlikView system has been in use for just four months and is already used by 75 club managers, 14 executives at headquarters, and 25 accounting-department staffers. Altogether, 125 out of 1,500 Bonita Bay employees make use of the QlikTech system in some way. Formal user training will take place later this month, but most non-IT staffers are able to come up to speed on QlikView with "a light amount of training," Eberline says. Two database administrators support the system and build end-user dashboards with it.

Administaff Inc. is another company benefiting from business-intelligence technology. The provider of employee-management services serves as the human-resources department for 5,000 small and midsize businesses around the country, with a total of 80,000 employees. To give them access to their employee data, John Sheridan, director of business and technology development, needed a simple-to-use business-intelligence system that could display its results in a browser window.



Sheridan implemented Information Builders Inc.'s WebFocus to give HR representatives and business executives the ability to work with their company data. A company's president, for example, can study the impact of payroll over an extended period, while individual employees can review their pay stubs on a paycheck-by-paycheck basis. Users work from browser windows to log on to a secure Lightweight Directory Access Protocol server that identifies them and sets privilege levels on the information they may access.

Clients don't have to wait for Administaff technologists to build reports for them. The WebFocus Studio Developer and other tools let them build their own reports and view the data from a central Administaff repository. A CEO might want to assess employee morale by reviewing how many workers are participating in his company's 401(k) plan, since joining the plan is often associated with intent to stay with a company.

At first, WebFocus provided clients with static, standard reports that Administaff staffers had prepared for them. "Now we provide them with the ability to create and save their own reports," Sheridan says. Administaff provides a simplified report-creation service. Users who understand scripting languages may use WebFocus Studio Developer to draw up more-sophisticated reports.

"Our clients are more and more demanding of information and reports," Sheridan says. Unlike the early days, when a handful of database administrators worked with business intelligence, Administaff's system has to be able to keep up with the company's growth and also scale out to thousands of simultaneous small-business users, all looking to reap the benefits of business-intelligence technology.

Joel Nakamura@theisport.com

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## CUSTOMER SUCCESS /

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## PUSHING THE RIGHT BUTTONS

## Tekelec Stands Out in Crowded Telco Signaling Field with SAS

Can you imagine the number of telephone calls a radio station in a large market like New York gets each time it sponsors a phone-in contest? When thousands of customers dial up the same number at the same time, they could easily clog up the carrier's network like a freeway in rush hour – were it not for Tekelec.



Angela Hall  
Quality engineer

## TEKELEC

**Business Issue:**  
Meet the requirements of external customers by using TL 9000 industry standard metrics and obtaining additional value by providing the internal customer with necessary reports and metrics.

**Solution:**  
SAS' expandability helped automate the process of gathering and analyzing metrics data, while providing various departments with reports they'd never before been able to access.

"We saved \$80,000 in the first year alone by automating with SAS. Our engineers are no longer spending 50 percent of their time generating these measurement reports. And now the reports are available immediately."  
- Angela Hall, quality engineer

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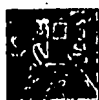
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Based in California with research and development operations in Research Triangle Park (RTP), N.C., Tekelec provides monitoring devices and other solutions to the major carriers, such as BellSouth and AT&T, to prevent problems like that from happening.

In the highly competitive telecommunications industry, winning and keeping customers is just as vital among the companies that support the service providers as it is among the providers themselves. With help from SAS, Tekelec, which supplies signaling transfer switches to the major carriers, sets itself apart from the competition.

SAS enables powerful reporting and improved operational efficiency that help the company meet TL 9000 industry standards. The telecommunications industry devised these standards so that suppliers could report the same set of metrics to all of their customers, allowing the customers

## Customer Success Video



Check out this video to learn more about Tekelec and its successes with SAS.

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- (Runtime: 4 mins, 10 secs)

## Customer ViewPoint

You have questions; our customers have answers. Check out this video Q & A.



**Mark Rossi**  
director of Network Systems Division (NSD) technical support, Tekelec

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**Angela Hall**  
Quality Engineer, Tekelec

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**Mark Young**  
Senior Quality Manager, Tekelec

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(Requires Windows Media Player 6.4.7 or higher or RealPlayer 6 or higher )

to gauge performance and make more informed decisions about which supplier to choose. The metrics repository is at the

University of Texas at Dallas (UTD).

"With SAS, Tekelec was able to automate the process of submitting metrics to UTD," says Angela Hall, a quality engineer at Tekelec's RTP office. "Before TL 9000, it was very expensive for suppliers to provide different measurements to each company. Now our customers can call and get our measurements and then call our competitors and get their measurements to compare services."

Tekelec hired Hall to automate the process. She brought in SAS, and a month later the process was in place. "We saved \$80,000 in the first year alone by automating with SAS," Hall says. "Our engineers are no longer spending 50 percent of their time generating these measurement reports. And the reports are available immediately."

The quick and easy access to measurement data that SAS provides has helped groups throughout Tekelec perform their jobs with greater efficiency and provide better service to their customers.

"The benefit that SAS provides is that accessing from various sources and reporting in a single report is easy to implement," Hall says. "SAS databases are robust and very user-friendly. We utilize this file structure to maintain our summary data for TL 9000 as well as internal measurements."

"Internal customers from our quality group utilize the internal reports for summary information and to ascertain status of projects and goals," she adds. "External customers utilize our TL 9000 report to determine the quality of our product lines. One of our customers has asked for a blank version of the PDF report to send to other suppliers as a best practice format. This helps us stand out as a superb supplier."



#### Information in Minutes, Not Months

Using SAS, Hall deftly pulls metrics data from the system with minimal impact on other users in less than four hours – a process that previously took up to two weeks. Reports that used to be difficult to run and

maintain are now produced quickly and easily, and ad hoc requests are a breeze to handle. The reporting capability Tekelec has gained with SAS has made daily operations more efficient, so quality engineers can now spend their time designing and implementing other solution enhancements.

"Using SAS to analyze the raw text data generated from our Sentinel™ business intelligence platform, we get detailed reports and analyses that have saved my development staff hundreds of hours since they no longer have to analyze the

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data by hand," says Byron Bagaasen, director of Sentinel software development. "SAS is freeing up time, fixing previous problems and saving us money."

For several days, Bagaasen had been trying to pull five million records into Access, but was unsuccessful. With SAS, Hall completed the job in five minutes. Next she helped him with a peg-count project that involved comparing two databases in order to improve the Sentinel product line. Access couldn't do the job, so Hall set up batch jobs to run at 3:00 p.m. so that the information Bagaasen needed would be available immediately after transferring it into the SAS inbox.

"This project was a headache for the software development team," Hall says. "Once we were able to provide this data to them through SAS, they saved hundreds and hundreds of hours of development time. That allowed the team to spend time getting new functionality out the door a lot faster, giving Tekelec a leg up in this competitive marketplace."

Others within Tekelec are seeing the value that SAS analytics can offer.

"The SAS reports are incredibly valuable," says Mark Rossi, director of Tekelec's Network Systems Division (NSD) technical support. "SAS allows us to keep track continuously of how we're responding on customer service requests. Before setting this up, it was not easy to see what was happening in real time."

SAS automatically sends Rossi a weekly report in Excel that looks at the number of customer trouble tickets distributed by days open and broken out in various views. "With the report, Mark's team is able to highlight areas that need attention or to verify that the team is on the right track," Hall says. "They have built some additional macros in Excel to format the same report in different ways to provide reporting up the management chain."

Because Tekelec employees share the reports with them, customers notice the improvements, too, says Hall. "Our number of customers has increased exponentially while our staff hasn't," she says.

The routine reports that Hall generates help manage the entire business, says Paul Best, senior manager of NSD technical support. "I can monitor the resolution of customer issues, measure my team's performance, prioritize the workload and interface more effectively with engineering," he says. "This has improved our efficiency and given us an edge in providing superior support to our customers."

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